

REMARKS

The indication of the allowability of Claims 4-7 is noted with appreciation. These claims have been rewritten in independent form and without the invocation of 35 U.S.C. § 112. ¶ 6.

The rejection of Claims 1, 2 and 8 as being anticipated by Mack under 35 U.S.C. § 102(b) is traversed, and reconsideration is requested.

The claimed invention utilizes a pedal device in which a footrest restricts turning of an arm member (12) when a driver's force-on-pedal acting on a pedal member (11) is less than a predetermined value. That is, when the force acting on the pedal member is less than the predetermined value, a footrest function is realized because the turning of the arm member is so restricted that the pedal member is not moved. When the force acting on the pedal member exceeds the predetermined value by a strong depression of the pedal member by the driver, however, the pedal member assumes its function as a brake pedal because the arm member is released from the restriction on the turning thereof.

Consequently, the driver can use the pedal member, not only as a footrest but, also, as a brake pedal merely by depressing the pedal member somewhat strongly to release the footrest function thereof when brake manipulation is required, brake manipulation can now be performed by the same manipulation force as the conventional brake pedal in a dual function pedal device.

The Mack patent merely discloses a vehicle brake system in which the reacting force characteristic of a brake pedal, which indicates the weight thereof, is changed to four steps as seen in the positions 1, 2, 3 and off of Fig. 7 by adjusting the degree of the negative pressure within an intake manifold (11) connected to a miniature power cylinder (32) (See figs. 1, 7 and 9).

The Mack patent does not disclose or even suggest a pedal member which functions as a brake pedal by releasing the arm member from the restriction on the turning thereof when the force acting on the pedal member (12) exceeds a predetermined value.

In order to use the brake pedal as a footrest in the Mack patent, the brake pedal would have to have its reacting force characteristic to the extent that the brake pedal does not move even when the foot is put thereon. Therefore, when braking, the brake manipulation must be performed by the manipulation force stronger than afforded to a conventional brake pedal. The driver would soon become tired, and in delicate or fine pedal manipulation or unexpected pedal manipulation could be troublesome. The Mack patent does not lead to the advantageous effect unique to the present invention, i.e., that the pedal member can be used as the conventional brake pedal only by depression the pedal member somewhat strongly to release the footrest function thereof.

Accordingly, early and favorable action is earnestly solicited.

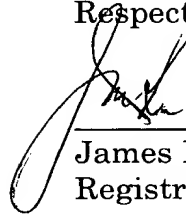
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please

charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 381NP/50284US).

January 15, 2004

Respectfully submitted,



James F. McKeown
Registration No. 25,406

CROWELL & MORING, L.L.P.
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JFM:mld
299412 v1